

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

Roberto Bernal-Zepeda and Elvira Campos,  
Plaintiffs  
vs.  
Manual Roblero *et al.*,  
Defendants

2:14-cv-01703-JAD-GWF

**Order Denying Motion for Partial  
Summary Judgment Without Prejudice  
[#23]**

In this removed negligence action arising from a 2012 car accident, plaintiff Roberto Bernal-Zepeda moves for summary judgment on eight of defendant Manuel Roblero's affirmative defenses and five of defendant Kehe Distributors, Inc.'s affirmative defenses, arguing they are unsupported by evidence.<sup>1</sup> Defendants Roblero and Kehe oppose the motion as premature under FRCP 56(d) because discovery is ongoing.<sup>2</sup> They supply a proper affidavit that demonstrates specific reasons that they cannot presently present the facts essential to justify their opposition.<sup>3</sup> With competing motions to compel pending before the magistrate judge, it is clear that discovery is still ongoing.<sup>4</sup> Good cause thus appears to deny the motion for summary judgment as premature under FRCP 56(d)(1) and without prejudice to its refiling after discovery is complete.

Accordingly, IT IS HEREBY ORDERED that the Motion for Partial Summary Judgment [Doc. 23] is DENIED without prejudice under FRCP 56(d)(1).

Dated this 1st day of July, 2015.

  
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Jennifer A. Dorsey  
United States District Judge

<sup>1</sup> Doc. 23.

<sup>2</sup> Doc. 24.

<sup>3</sup> Doc. 24-2.

<sup>4</sup> Docs. 34, 39.